

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DOROTHY BAXTER,)	
)	
Plaintiff,)	
)	
v.)	CIVIL NO. 3:10-CV-520-FDW-DSC
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

THIS MATTER is before the Court on Plaintiff's "Petition for Attorney's Fees and Costs" filed on October 10, 2011 (document #18), and "Defendant's Response to Plaintiff's Petition for Attorney's Fees and Costs" filed on October 28, 2011 (document #19). Pursuant to the authority of this Court to award fees and costs to a prevailing party other than the United States incurred by that party in a civil action against the United States, including proceedings for judicial review of agency action, under the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A), and in light of this Court's July 13, 2011, Judgment and Order remanding this case to the Defendant Commissioner for further administrative proceedings under sentence four of 42 U.S.C. § 405(g),

IT IS HEREBY ORDERED:

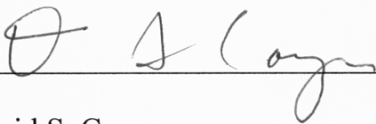
1. That Plaintiff shall be paid six-thousand, six-hundred and thirty dollars and sixty-five cents (\$6,630.65) by the United States Social Security Administration, in full satisfaction of any and all attorney's fee claims Plaintiff may have in this case under the Equal Access to Justice Act.
2. That Plaintiff shall be paid one hundred and eleven dollars and seventy-five cents (\$111.75) in costs, to be paid from the Department of the Treasury's Judgment Fund.
3. That pursuant to the United States Supreme Court's ruling in Commissioner of

Social Security v. Ratliff, 560 U.S. ____, 130 S.Ct. 2521 (2010), these attorney's fees are payable to Plaintiff as the prevailing party, and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may owe to the government.

4. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.
5. The Clerk is directed to serve copies of this Order to counsel for the parties.

SO ORDERED.

Signed: October 28, 2011

A handwritten signature in black ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

